

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

WHIRPOOL CORPORATION,

Plaintiff,

DEFENDANT'S EXHIBIT LIST

v.

TST WATER, LLC,

Defendant.

Case No. 2:15-cv-1528-JRG

PRESIDING JUDGE HONORABLE RODNEY GILSTRAP					PLAINTIFF'S ATTORNEY T. JOHN WARD, JR.	DEFENDANT'S ATTORNEY JOHN B. SGANGA, JR.
TRIAL DATE (S) March 6, 2017					COURT REPORTER SHELLY HOLMES	COURTROOM DEPUTY JAN LOCKHART
PLF. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS	
	DX1	3/9/2017		3/10/2017	U.S. Patent No. 3,399,776 to Robert R. Knuth	
	DX2	3/7/2017		3/8/2017	U.S. Patent No. 5,320,752 to Robert A. Clack	
	DX3	3/9/2017		3/10/2017	U.S. Patent No. 7,067,054 to Karl Fritze	
	DX4	3/8/2017		3/9/2017	Physical: Filter 3 Housing	
	DX5	3/8/2017		3/9/2017	Physical: 4396841, Whirlpool Replacement Filter	
	DX6	3/8/2017		3/9/2017	Presentation - Tornado II Project Update	
	DX7A				[Color Version] November 16, 2012 Grill-Mounted PB-Lite Filtration System	
	DX8				Presentation - History of PB Lite Quality Issue	
	DX9				January 6, 2016 Whirlpool's Project Delivery Tracking System for PB Lite Filter	
	DX10				June 27, 2014 Global Product Approval for PB-Lite Water Filter Cartridge	
	DX11A				[Color Version] Presentation - April 2003 PB Whirlpool's Lite Filter PP Material	
	DX13				Presentation - Whirlpool's PB Liter Filter Cartridge and Housing	
	DX14				April 11, 2013 Project Delivery Tracking System for Kemflo and Whirlpool	
	DX16				May 15, 2015 Letter of Findings re PB Lite in Barracuda Engagement Issue	
	DX17	3/8/2017		3/9/2017	December 3, 2013 Email from Edward Guo to Anuj Sharma, Joseph R. Peters,	
	DX18	3/9/2017		3/10/2017	March 31, 1980 Japanese Unexamined Utility Model Registration Application	
	DX20A	3/8/2017		3/9/2017	[Color Version] RTV Supplier Visibility	
	DX21				August 18, 2015 Email from Baird to Humphrey re Amana SxS and FD	
	DX22	3/9/2017		3/10/2017	U.S. Patent No. 5,094,365 to Jan L. Dorfman	
	DX25	3/9/2017		3/10/2017	June 23, 1998 Japanese Unexamined Patent Application No. H10-165944	
	DX26	3/9/2017		3/10/2017	U.S. Patent No. 3,715,032 to Stanley Nicko	
	DX27	3/9/2017		3/10/2017	U.S. Patent No. 5,456,830 to Stanford	
	DX28	3/9/2017		3/10/2017	U.S. Patent No. 6,027,644 to Magnusson	
	DX29	3/9/2017		3/10/2017	U.S. Patent Publication No. 2002/0017497 to Fritze	
	DX30				U.S. Patent No. 2,867,328 to Sorensen	
	DX31				U.S. Patent No. 4,077,876 to Southall	
	DX32				U.S. Patent No. 4,595,500 to Galbiati	
	DX33				U.S. Patent No. 5,700,371 to Koslow	

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	DX34				U.S. Patent No. 5,766,487 to Park
	DX35				U.S. Patent No. D405,157 to Hayes
	DX36				U.S. Patent No. D420,093 to Hayes
	DX37				July 24, 1990 Japanese Patent No. 4-83578 (with certified translation)
	DX43				Excel File: TST Availability of Filter Models
	DX44				February 26, 2014 Email from Michael Baird to Chuck Lacy, Randy Parmley,
	DX45				May 15, 2014 Email from Janine Gompper to Wayne Volland re Whirlpool
	DX52				August 21, 2015 Email from Mike Baird to Dustin Walker re Refrigerator Water
	DX59				HDX The Standard for Refrigerator Water Filters by Home Depot
	DX66				Powerpoint: Home Depot Private Brands Study
	DX67				Video: TST00103000 Powerpoint
	DX68				Video: TST00103000 Powerpoint
	DX71				Video: TST00103000 Powerpoint
	DX76	3/8/2017		3/9/2017	Excel File: RTV Supplier Visibility
	DX77	3/8/2017		3/9/2017	Excel File: THD Returns Log Sheet
	DX78	3/8/2017		3/9/2017	August 15, 2016 Letter from Eric Puzon to TST Water re WQA Inspection
	DX79				Customer Review from Amazon Webpage of Lonnie E. Holder's Review of
	DX82				Presentation - February 24, 2014 Global Water Engineering Summary on BIR
	DX83				Photo of woman struggling to change filter
	DX84				Uxm Findings
	DX91				September 22, 2016 Whirlpool's Responses to TST's Third Set of Interrogatories
	DX92				September 30, 2016 Whirlpool's Supplemental and Amended Responses to
	DX93				September 30, 2016 Whirlpool's Supplemental Responses to TST's Second Set
	DX95				October 7, 2016 Whirlpool's Corrected Supplemental Response to TST's
	DX96				October 7, 2016 Whirlpool's Corrected Supplemental Response to TST's
	DX97				October 21, 2016 Whirlpool's Corrected Supplemental Responses to TST's
	DX98				October 27, 2016 Whirlpool's Second Supplemental Response to TST's
	DX99				December 2, 2016 Whirlpool's Second Supplemental Response to TST's
	DX100	3/9/2017		3/10/2017	File History of U.S. Application No. 90/012,227 (Reexam of U.S. Patent
	DX102	3/9/2017		3/10/2017	File History of U.S. Application 10/424,200 (U.S. Patent 7,000,894) (Certified,
	DX108	3/8/2017		3/9/2017	Presentation - Whirlpool's Filter 101
	DX109				Excel File: Project Objective: Transition of all Push Button Lite (Filter 1) filters
	DX115				Google Results Page of "www.whirlpoolsparts.com"
	DX116				Scanned Image of Whirlpool Water Filter Housing with Price and MI Address
	DX121				Scanned Images of Whirlpool Water Filter 3 with Price and CO Address
	DX132				Google Results Page of "www.whirlpoolsparts"
	DX140				November 12, 2015 Handwritten Notes Titled "TST Water (client)" with Email
	DX142				November 12, 2015 Handwritten Notes Titled "TST Water (client)" with Email
	DX144				November 12, 2015 Handwritten Notes Titled "TST Water (client)" with Email
	DX145				June 3, 2016 EnergyGuide Label re Jenn-Air Energy Use for USA and Canada
	DX146				June 3, 2016 Jenn-Air Refrigerator Manual
	DX148				June 3, 2016 Whirlpool Refrigerator Installation Instructions and Owners
	DX150				Whirlpool User Guide for Side by Side Refrigerator
	DX154				January 2007 Whirlpool Refrigerator Use & Care Guide 2318584C
	DX171				W-5 Made in America Country of Origin Spreadsheet
	DX173				May 14, 2015 Email from Michael Baird to Shannon Murphy, Steve Tedesco re
	DX175				June 18, 2015 Email from Dennis Roberts to Michael Baird, Shannon Murphy,

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	DX177				August 31, 2016 Email from Mohammed Bayati to Mike Baird re Thank You
	DX178				Records of Carbon Block Purchases
	DX194				April 5, 2016 TST Water LLC Income Statement from December 1, 2015
	DX198				Excel File: Data From 1/1/2016 to 4/30/2016
	DX210A	3/7/2017		3/8/2017	[Color Version] PUR Water Purification Products OEM Refrigerator Filter
	DX214	3/9/2017		3/10/2017	Presentation - Project Tornado
	DX227				Excel File: June 30, 2015 W-5 Tests Metrics Per 100 Run Size/Pilot Run
	DX229				March 21, 2013 TST Water Receiving Inspection
	DX233				Excel File: June 18, 2015 WSW-5/New outer cap design
	DX234	3/8/2017		3/9/2017	December 14, 2015 TST Water Water Taste Test
	DX236				July 2, 2015 ISTAIA / 2A - Carton Drop Test
	DX238	3/8/2017		3/9/2017	June 30, 2015 TST Water Memo from Quality Department to Engineering
	DX240				Excel File: June 26, 2015 W-5 Tests Metrics Per 100 Run Size/Pilot Run
	DX241				Drawings - WSW-5 Assembly, WSW-5 Body, WSW-5 Outer Cap, WSW-5 Filter
	DX257	3/8/2017		3/9/2017	October 8, 2015 NSF International Test Report re Gold Series W-5 NSF/ANSI 42
	DX258	3/8/2017		3/9/2017	September 28, 2015 NSF International Test Report re Gold Series W-5 Cyst
	DX259	3/8/2017		3/9/2017	February 19, 2015 Pace Analytical Laboratory Analysis Report Project No 3078
	DX260	3/8/2017		3/9/2017	September 2, 2015 Water Quality Association Gold Seal Certificate
	DX261				September 1, 2015 Letter from Tom Spoden to Michael Baird re Testing report
	DX266				Performance Data Sheet for TST Water System Models: GSW-5
	DX269				March 9, 2016 Email from Shannon Murphy to Brad Fogarty, Gerritt DeWitt,
	DX274				May 31, 2016 Water Quality Association Certified Drinking Water Treatment
	DX281	3/8/2017		3/9/2017	December 2, 2015 NSF International Test Report re Gold Series W-5
	DX283				NSF Product and Service Listings
	DX288				U.S. Patent No. 5,008,963 [Exhibit E to Stein Expert Report]
	DX289				U.S. Patent No. 5,350,112 [Exhibit F to Stein Expert Report]
	DX290				U.S. Patent No. 7,124,920 [Exhibit J to Stein Expert Report]
	DX291				U.S. Patent No. D353,739 [Exhibit K to Stein Expert Report]
	DX292				U.S. Patent No. D356,229 [Exhibit L to Stein Expert Report]
	DX293				U.S. Patent No. D366,384 [Exhibit M to Expert Report]
	DX294				U.S. Patent No. D406,334 [Exhibit N to Stein Expert Report]
	DX295				U.S. Patent No. 424,374 [Exhibit O to Stein Expert Report]
	DX301				August 16, 2016 Notice of Deposition of Whirlpool Corporation Pursuant to
	DX303	3/6/2017		3/7/2017	Whirlpool's Filter Guide
	DX306A				Tornado Loose Fill Project
	DX307				May 15, 2002 Report from Technical Design Preview Team to Todd Rose re
	DX308	3/7/2017		3/8/2017	March 7, 2002 Blueprints of PUR Water Filters
	DX309	3/6/2017		3/7/2017	Presentation - Tornado
	DX311				Diagram of filter with fan and compressor, condenser, drain pan, rear and
	DX312				Presentation - Tornado I: CSM
	DX314				Presentation - December 6, 2002 Tornado I, Concept Evaluation Tollgate
	DX315	3/6/2017		3/7/2017	Excel File: Failure Modes and Effects Analysis (FEMA) from Tornado Project
	DX316	3/6/2017		3/7/2017	Nov 7, 2014 Lab Report - PB Large Returned Filter Flow Rate Test
	DX320				Photos - Quarter Turn Filters and Head Assembly
	DX321				Photos re Whirlpool GS6NBEXRQ00 (white)
	DX323	3/9/2017		3/10/2017	Video re Whirlpool GC5SHEXNB00 (black) 2
	DX326				Video re Whirlpool GS6NBEXRQ00 (white) 2

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	DX339				August 4, 2016 Consent Judgment and Permanent Injunction (Whirlpool v
	DX340				Water Sentinel website pages
	DX342				TST Water website pages
	DX348				September 8, 2016 Amazon customer reviews of Water Sentinel WSW-5
	DX349				September 8, 2016 Lowe's customer reviews of Whirlpool EveryDrop Filter
	DX353A	3/7/2017		3/8/2017	Presentation - November 2010 Whirlpool's Point of View Future Water Filter
	DX354				Excel File: Whirlpool Water Filter/Refrigerator Brand Survey Summary Report
	DX355				November 17, 2014 BFG's Creative Brief regarding 2015 Campaign for
	DX359				March 17, 2014 bag's Creative Brief regarding EveryDrop Filter Card
	DX361				Excel File: Table Comparisons of Whirlpool Averages and Industry Averages
	DX362	3/7/2017		3/8/2017	March 23, 2016 Email from Robert White to Adrian Aspenson re HDX Brand
	DX363				Bulk Mail Enclosing Letters Sent Out to Customers Reminding them to Replace
	DX365A				[Color Versions] Presentation - August 19, 2015 Whirlpool's PUR & Whirlpool
	DX366				July 17, 2014 Email from Rick Zbikowski to Bridget Battistone and Robert
	DX371	3/7/2017		3/8/2017	Graph from excel file showing Filter 1 is replacing filter 3 production in SXS
	DX373				May 15, 2015 Email from Bonuso to Robert White re GE Filter
	DX375A				[Color Version] August 5, 2014 Whirlpool Water's 2014 Water Filtration Agency Kickoff
	DX379				Drawing of Port Axis with Measurements
	DX382				May 4, 2013 KX MOU on Option for Exclusive License of U.S. Patent No.
	DX387				Excel File: September 22, 2014 NPD Project Status
	DX393				October 2, 2014 Letter from John Adkisson (FISH) to Mike Baird re 3M
	DX398				January 29, 2015 Notice of Dismissal Without Prejudice [3M v. TST Water]
	DX399				Water Sentinel WSW-5 Filter Information Sheet
	DX400				May 15, 2007 Trademark License Agreement between Procter & Gamble and
	DX401				2011 Technology, Commercialization and License Agreement between
	DX408				Excel File: Water Filter and Water Filter Units Sold 2007-2014
	DX409	3/7/2017		3/8/2017	Excel File: Consumer Products Refrigeration Water Filter Compliance 2014-
	DX411	3/8/2017		3/9/2017	Install Base = Sum of Shipments the Past 10 Years
	DX414	3/6/2017		3/7/2017	July 23, 2015 Email from Jennifer Bonuso to Brett Dibkey re LPR Slide Update
	DX415A	3/8/2017		3/9/2017	[Color Versions] Slide from PowerPoint re IBU Update Whirlpool, CPG
	DX416A	3/8/2017		3/9/2017	[Color Versions] Presentation - Creating A Winning Partnership PUR
	DX418				Excel File: Total Refrigeration Sales by Filter, Filter Replacement Chart
	DX419				October 23, 2015 Email from Bridgette Battistone to Jennifer Bonuso re
	DX423				May 15, 2015 Email from Jennifer Bonuso to Robert White re GE Filter
	DX424				May 15, 2015 Email from Robert White to Jennifer Bonuso re GE Filter
	DX428	3/8/2017		3/9/2017	October 10, 2014 Email from Lauren Nelson to Jennifer Bonuso re YTD
	DX429				December 17, 2014 Email from Eric Bauchet to Jennifer Bonuso re 3M
	DX430	3/8/2017		3/9/2017	July 26, 2015 Email from Jennifer Bonuso to Laurent Borne re LRP
	DX431	3/8/2017		3/9/2017	February 24, 2015 Email from Daniel Ehler to Jennifer Bonuso re Filter 4 vs
	DX436				Table Comparisons of Filters from Various Companies "Pur entering in
	DX437	3/6/2017		3/7/2017	March 2014 Whirlpool Refrigeration Filter Compliance Report
	DX441	3/8/2017		3/9/2017	Physical: Whirlpool everydrop™ Ice and Water Refrigerator Filter 3 in
	DX442	3/7/2017		3/8/2017	Physical: HDX Filter FMW-5
	DX446				Water Filter Reference Guide
	DX454				October 1, 2002 Technology, Commercialization, and License Agreement

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	DX458				September 22, 2003 Replacement Filter Distributor Agreement between
	DX460				May 15, 2007 Execution Copy of Technology, Commercialization, and License
	DX461	3/8/2017		3/9/2017	November 6, 2002 Email from Thom Lachman to John Kroonblawd, et al. re
	DX462	3/7/2017		3/8/2017	October 12, 2006 Email from John Kroonblawd to Jacqui Winship re Water
	DX463	3/8/2017		3/9/2017	January 16, 2009 Email from John Kroonblawd to Jonathan Hall re 2008 GPL
	DX464	3/8/2017		3/9/2017	Presentation - March 2006 Whirlpool Corporation PUR Alliance Update
	DX474	3/7/2017		3/8/2017	November 21, 2016 Internet Pages of Composite Push In Air Fitting/ Push in
	DX475				Amazon.com Screenshot of John Guest Speedfit Reducing Elbow
	DX476				Photograph of Refrigerator from Joseph Beaman Corrected Expert Report
	DX482	3/8/2017		3/9/2017	U.S. Patent No. 8,216,463
	DX484				October 28, 2016 TST Water Quality Department, Freeze Test Analysis - HDX
	DX485				TST Water Freeze Testing Protocol
	DX487				U.S. Patent No. 1,192,860
	DX488				U.S. Patent No. 2,431,782
	DX489				U.S. Patent No. 2,735,696
	DX490				U.S. Patent No. 2,823,934
	DX491				U.S. Patent No. 2,850,297
	DX492				U.S. Patent No. 2,904,182
	DX493				U.S. Patent No. 2,966,371
	DX494				U.S. Patent No. 3,278,034
	DX495				U.S. Patent No. 3,685,659
	DX496				U.S. Patent No. 4,857,189
	DX497				U.S. Patent No. 5,102,542
	DX498				U.S. Patent No. 5,460,719
	DX499				U.S. Patent No. 5,803,227 [Exhibit G to Stein Expert Report]
	DX500				U.S. Patent No. 5,914,037
	DX510				December 3, 2002 Email from John Kroonblawd to Thomas Bartelman and
	DX536				September 18, 2015 Email from Humphrey to Baird re HomeDepot Contract
	DX546	3/8/2017		3/9/2017	U.S. Patent No. 5,882,515
	DX548				June 24, 2015 Email from Dennis Roberts to Shannon Murphy re WS5 block
	DX552				April 26, 2013 Email from Russ Patterson to Mike Baird re Patent License
	DX553				July 17, 2013 Email from Mike Baird to Russ Patterson re 90 Day Extension
	DX554				May 4, 2013 Email from Mike Baird to Russ Patterson re MOU with KX License
	DX555	3/8/2017		3/9/2017	W-5 Design File
	DX676				Excel File: Whirlpool Refrigeration Filter Balance of Sale
	DX678				Bonenberger, The First Snap-Fit Handbook [Exhibit R to Stein Expert Report]
	DX687				U.S. Patent No. 6,050,811 [Exhibit H to Stein Expert Report]
	DX690				U.S. Patent No. 7,056,435
	DX692				Physical: Sectioned 4396710, Whirlpool Refrigerator Ice & Water Filter
	DX694				Physical: C6841, Coral Refrigerator Water Filter
	DX695				Physical: US Patent No. 5,882,515 to Baird (WaterMaker Five Reverse Osmosis
	DX697	3/8/2017		3/9/2017	Physical: TST Prototype Cartridges
	DX701				Physical: RFC0800A, Refrigerator Water Filter
	DX713				Physical: WSW-5, WaterSentinel Refrigerator Replacement Filter
	DX714				Physical: Whirlpool everydrop™ Ice & Water Refrigerator Filter 1, Part No.
	DX715				Physical: Whirlpool everydrop™ Ice & Water Refrigerator Filter 3, Part No.
	DX716	3/6/2017		3/7/2017	Physical: Whirlpool everydrop™ Ice & Water Refrigerator Filter 5 (filter and

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	DX717				Physical: Silver KitchenAid KBBL306EPA Refrigerator (Filter 3) (New)
	DX718				Physical: Jenn-Air JS42NFXDW Refrigerator (Filter 3) (New)
	DX719				Physical: Silver Whirlpool WRS586FLDM Refrigerator (Filter 1) (New)
	DX720				Physical: White Whirlpool GS6NBEXRQ00 Refrigerator (Filter 3) (Used)
	DX721				Physical: Black Whirlpool GC5SHEXNB00 Refrigerator (Filter 3) (Used)
	DX722	3/7/2017		3/8/2017	Physical: Whirlpool Water Filter Housing, item number 1480816, part number
	DX724				Physical: Whirlpool Water Filter Housing, item number 1480816, part number
	DX726	3/7/2017		3/8/2017	Physical: Whirlpool Filter 3, item number 4273160, part number EDR3RXDI,
	DX727				Physical: Filter 2 Replacement, Ice & Water Refrigerator Filter
	DX728				Physical: Sectioned 4396841 Replacement, Ice & Water Refrigerator Filter
	DX729				Physical: FMW-5, HDX Refrigerator Replacement Filter in clamshell
	DX733				TST organizational chart
	DX740				Video: Whirlpool Installation Instructions
	DX742				September 23, 2015 Email from Bazaarvoice Connections to TST Water re TST
	DX745				Video: woman attempting to change filter in grill
	DX746				UXm Results of Elite SXS Refrigerator
	DX747				Uxm Supplemental Data of Kenmore Elite 55603
	DX749				Presentation - April 12-13, 2011 Whirlpool's Quarterly Meeting on
	DX750	3/8/2017		3/9/2017	Photos of Hydro-Flow's CA facility
	DX752				Photos re Whirlpool GC5SHEXNB00 (black) 2
	DX753				Photos of Documents Accompanying Purchased KitchenAid KBBL306EPA, Jenn-
	DX754	3/8/2017		3/9/2017	Interior photos of TST CA facility
	DX755	3/8/2017		3/9/2017	Exterior photos of TST's CA facility
	DX756				Photos re Whirlpool GS6NBEXRQ00 (white) 2
	DX757	3/6/2017		3/7/2017	Photos re KitchenAid KBBL306EPA (silver metal) 2
	DX758	3/9/2017		3/10/2017	Photos re Whirlpool GC5SHEXNB00 (black)
	DX759				Photos re KitchenAid KBBL306EPA (silver metal)
	DX762				Photos re Sectioned Filters
	DX769				February 5, 2016 Email from Dennis Roberts to Michael Baird re Ongoing
	DX770				HDX FMW-5 Refrigerator Replacement Filter Advertisement
	DX773				September 8, 2016 Amazon customer reviews of Whirlpool EveryDrop Filter 3
	DX783				'029 Utility Patent Application
	DX784				'310 Utility Patent Application
	DX785				U.S. Patent No. D759,789
	DX786				Drawing showing TST design at issue in 3M v. TST
	DX788				Video: TST WSW-5 installation video
	DX789				Physical: WSG-4, HDX Filter
	DX790	3/8/2017		3/9/2017	Physical: CWG-1, Culligan Filter
	DX794				U.S. Patent No. 6,296,626 [Exhibit I to Stein Expert Report]
	DX798				Presentation - Whirlpool's PB Liter Filter Cartridge and Housing
	DX800				Presentation - Whirlpool Filter Migration
	DX808				Email re Preliminary NAR refrigerator filter TCQ report and attaching Emerging
	DX811				File History of U.S. Application No. 29/565,895
	DX812				Email re: Stephen Eyraud posted a question to the group D70 - Appliances
	DX813				TST Purchase Order to Source One, Order No. 10952
	DX814				Spreadsheet containing customer reviews of TST's products
	DX815				Presentation: Whirlpool NAR Water Filtration Strategy

PLF. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS
	DX816	3/7/2017		3/8/2017	Spreadsheet: Project Tornado Sensitivity Schedule
	DX817				Hanover Water Filtration Strategic Trend Analysis
	DX818				Push Button Lite CET Tollgate Presentation
	DX819				PUR Water Filter Reference Guide (12/08)
	DX820				Photographs of PUR Push Button W1018667
	DX821				Photographs of Whirlpool Filter 4396710
	DX822				Photographs of Whirlpool Filter 4396841
	DX823	3/8/2017		3/9/2017	February 20, 2017 NSF Official Listing for TST Water, LLC